

TWENTY-SIXTH DAY.

(Wednesday, February 13, 1929.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Justiss.
Ackerman.	Kayton.
Adkins.	Keeton.
Albritton.	Kennedy.
Anderson.	Kenyon.
Avis.	Kincaid.
Baker.	King.
Baldwin.	Kinnear.
Barnett.	Land.
Bateman.	Lee.
Beck.	Lemens.
Bond.	Long of Houston.
Bounds.	Long of Wichita.
Bradley.	Mankin.
Brice.	Martin.
Brooks.	Mauritz.
Carpenter.	Maynard.
Chastain.	McCombs.
Coltrin.	McDonald.
Conway.	McGill.
Cox of Navarro.	McKean.
Cox of Lamar.	Mehl.
Cox of Limestone.	Metcalfe.
Davis.	Minor.
DeWolfe.	Montgomery.
Dunlap.	Moore.
Duvall.	Morse.
Enderby.	Mosely.
Ewing.	Mullally.
Eickenroht.	Murphy.
Finn.	Negley.
Finlay.	Olsen.
Forbes.	Palmer.
Gates.	Patterson.
Gilbert.	Pavlica.
Giles.	Petsch.
Graves	Pool.
of Williamson.	Pope of Jones.
Graves of Erath.	Pope of Nueces.
Hardy.	Prendergast.
Harding.	Purl.
Harman.	Quinn.
Harper.	Ray.
Harrison.	Reader.
Heaton.	Reid.
Hefley.	Renfro.
Hines.	Richardson.
Hogg.	Rogers.
Holder.	Rountree.
Hopkins.	Sanders.
Hornaday.	Savage.
Hubbard.	Shaver.
Jenkins.	Shelton.
Johnson	Sherrill.
of Dimmit.	Shipman.
Johnson of Smith.	Simmons.
Johnson of Scurry.	Sinks.

Smith.	Wallace.
Snelgrove.	Walters.
Speck.	Warwick.
Stephens.	Webb.
Stevenson.	Westbrook.
Storey.	White.
Strong.	Wiggs.
Tarwater.	Williams
Thompson.	of Sabine.
Thurmond.	Williams
Tillotson.	of Travis.
Van Zandt.	Woodall.
Veatch.	Woodruff.
Waddell.	Young.

Absent.

Gerron.

Absent—Excused.

Acker.	Nicholson.
Fuchs.	O'Neill.
Jones.	Turner.
Keller.	Williams
Kemble.	of Hardin.
Loy.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following member was granted leave of absence on account of important business:

Mr. Turner for today, on motion of Mr. Wiggs.

The following members were granted leaves of absence on account of illness:

Mr. Fuchs for yesterday and today, on motion of Mr. Shelton.

Mr. Kemble for last Monday and Tuesday and today, on account of death in family.

Mr. Nicholson for today, on motion of Mr. Kinnear.

Mr. Jones for today, on motion of Mr. Carpenter.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Quinn:

H. B. No. 658, A bill to be entitled "An Act providing that in counties having a population of not less than 73,000 and not more than 73,250, according to the Federal census of the year 1920, and said counties having two cities with a population of not less than 22,000 each, according to the said cen-

aus, it shall be unlawful for the city officials of such counties in this State to issue warrants for any purpose in any one year which shall exceed the amount of \$25,000."

Referred to Committee on State Affairs.

By Mr. Hardy:

H. B. No. 659, A bill to be entitled "An Act to amend Chapter 60 of the acts of the General and Special Laws of the Fortieth Legislature, First Called Session, approved June 6th, 1927, amending Section 2 of said chapter, so as to provide that the district attorney of the Ninetieth Judicial District of Texas may employ in lieu of an assistant district attorney a stenographer, and fixing the salary of a stenographer, and providing that said act shall take effect from the date of its passage."

Referred to Judiciary Committee.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Sanders, House bill No. 632 was ordered not printed.

On motion of Mr. Hornaday, Senate bills Nos. 240 and 241 were ordered not printed.

On motion of Mr. Maynard, House bill No. 554 was ordered not printed.

On motion of Mr. Quinn, Senate bill No. 406 was ordered not printed.

On motion of Mr. Murphy, House bills Nos. 633 and 624 were ordered not printed.

On motion of Mr. Hines, House bill No. 629 was ordered not printed.

MOTION TO PRINT.

Mr. Jenkins moved that House bill No. 27, reported adversely with a minority favorable report, be printed.

The motion was lost.

HOUSE BILL NO. 162 WITH SENATE AMENDMENTS.

Mr. Webb called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 162, A bill to be entitled "An Act to amend Articles 74 and 75 of Chapter 3, Title 4, of the Revised Civil Statutes of 1925, so as to qualify the kind of pink boll worms that may be declared to be a menace; providing the conditions under which the pink boll worms may be found; providing compensation for all losses incurred or expenses sustained by all persons, firms or corporations required to comply with the provisions of Chapter 3 of Title 4," etc.

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Webb, the House concurred in the Senate amendments by the following vote:

Yeas—115.

Mr. Speaker.	Mankin.
Ackerman.	Martin.
Adkins.	Mauritz.
Albritton.	Maynard.
Anderson.	McGill.
Avis.	McKean.
Baker.	Mehl.
Baldwin.	Metcalfe.
Barnett.	Montgomery.
Bateman.	Mosely.
Beck.	Mullally.
Bradley.	Murphy.
Brice.	Negley.
Brooks.	Olsen.
Carpenter.	Palmer.
Chastain.	Pavlica.
Coltrin.	Pool.
Conway.	Pope of Jones.
Cox of Navarro.	Pope of Nueces.
Cox of Limestone.	Prendergast.
DeWolfe.	Purl.
Enderby.	Quinn.
Ewing.	Ray.
Eickenroht.	Reader.
Finlay.	Reid.
Forbes.	Richardson.
Gates.	Rogers.
Giles.	Rountree.
Graves	Sanders.
of Williamson.	Savage.
Graves of Erath.	Shaver.
Hardy.	Shelton.
Harding.	Sherrill.
Harman.	Shipman.
Harper.	Simmons.
Harrison.	Sinks.
Heaton.	Snelgrove.
Hefley.	Speck.
Hines.	Storey.
Hogg.	Strong.
Holder.	Tarwater.
Hopkins.	Thompson.
Hubbard.	Thurmond.
Johnson	Tillotson.
of Dimmit.	Van Zandt.
Johnson of Smith.	Veatch.
Johnson of Scurry.	Waddell.
Justiss.	Wallace.
Kayton.	Walters.
Kennedy.	Warwick.
Kenyon.	Webb.
Kincaid.	Westbrook.
King.	White.
Land.	Wiggs.
Lee.	Williams
Lemens.	of Sabine.
Long of Houston.	Williams
Long of Wichita.	of Travis.

Woodall. Young.
Woodruff.

Absent.

Bounds.	Keeton.
Cox of Lamar.	Keller.
Davis.	Kinnear.
Dunlap.	McCombs.
Duvall.	McDonald.
Finn.	Moore.
Gerron.	Morse.
Gilbert.	Renfro.
Hornaday.	Smith.
Jenkins.	Stephens.

Absent—Excused.

Acker.	O'Neill.
Bond.	Patterson.
Fuchs.	Petsch.
Jones.	Stevenson.
Kemble.	Turner.
Loy.	Williams
Minor.	of Hardin.
Nicholson.	

RELATING TO HOUSE BILL NO. 145.

On motion of Mr. Justiss, the following communication was ordered printed in the Journal:

Corsicana, Texas, February 12, 1929.

Representative A. N. Justiss, House of Representatives, Austin, Texas:

We, the undersigned physicians and retail druggists of Corsicana, Texas, respectfully urge that you consider carefully and actively oppose House bill No. 145 when it appears before that body. We believe that the present quantity allowed on prescriptions to be the smallest practical amount that would be beneficial in the actual medicinal use of liquors; the smaller quantity would require an additional outlay to druggists to prepare for filling and would cost the patient more in proportion. We believe that any change in the law affecting the quantity of liquor prescribed to be unnecessary and rather than see the change made would urge that it be banned and the doctors and druggists be relieved of the responsibility of supplying medicinal liquors entirely.

Respectfully submitted,

E. P. Norwood, M. D., W. W. Halbert, M. D., S. H. Burnett, M. D., T. W. Wade, M. D., Dan B. Hamill, M. D., C. L. Tubb, M. D., T. B. Sadler, M. D., W. W. Carter, M. D., T. O. Wills, M. D., W. R. Sneed, M. D., W. K. Logsdon, M. D., C. H. Miers, M. D., L. E. Kelton, M. D., M. T. Shell, M. D., Dubart Miller, M. D., T. A. Miller, M. D., P. and S. Phar-

macy by Festus A. Pierce, Coulson Drug Co. by L. C. Coulson, Johnson Drug Co. by C. C. Weatherford, Williams Drug Co. by A. P. Simpson, Wilson Drug Store by Joe Wilson, McPherson Drug Co. by F. E. McPherson.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 291, "An Act creating a more efficient road system for San Augustine county, Texas, providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners court of San Augustine county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and levy a tax in payment thereof; repealing Chapter 94, Local and Special Laws, 1913, and all amendments thereto, and declaring an emergency."

H. B. No. 231, "An Act amending Chapter 255 of the Acts of the Fortieth Legislature, at its Regular Session, by providing that the counties of Dawson and Howard shall be a part of the Eleventh Supreme Judicial District, and removing said counties from the Eighth Supreme Judicial District, and providing for the appeal of cases from Dawson and Howard counties to the Court of Civil Appeals for the Eighth Supreme Judicial District prior to September 1, 1929, and for the appeal of cases from Dawson and Howard counties to the Court of Civil Appeals for the Eleventh Supreme Judicial District subsequent to September 1, 1929."

S. B. No. 310, "An Act creating a more efficient road system for Jasper county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts;

providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment, construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners court of Jasper county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and declaring an emergency."

H. B. No. 479, "An Act to create Hidalgo and Cameron counties Water Control and Improvement District No. 9, in Hidalgo and Cameron counties, Texas; validating and approving all orders made by the Board of Water Engineers of the State of Texas in respect to the original organization of said district as a water control and improvement district under Section 59, of Article 16, of the Constitution of the State of Texas; validating an order passed by the board of directors of said district on the 12th day of December, 1927."

H. B. No. 358, "An Act to amend subdivision 38 of Article 199, Title 8, Revised Statutes of 1925, and providing for changing and prescribing terms and times for holding the courts in the counties composing the Thirty-eighth Judicial District of Texas."

PROPOSED AMENDMENTS TO THE HOUSE RULES.

The Speaker laid before the House and had read the following proposed amendments to the House Rules:

Amend Rule VIII by striking out the word "twenty-one" wherever the same occurs and substitute therefor the word "eleven." This amendment to take effect on the last day of the Regular Session of the Forty-first Legislature.

Signed—Jenkins, Holder, Williams of Travis, Carpenter, Finlay, Lee, Ackerman, Sherrill.

Amend the Rules of the House of Representatives by adding to Rule XXXI a section to be known as "Section 5," to read as follows:

"On Saturday, the Speaker shall place on the calendar only local bills, and he

shall place them in their numerical order.

"The Speaker shall not be authorized to place any other matter before the House on such day, unless his desk be clear, or unless this rule is suspended."

Signed—Waddell, Tillotson.

The amendments were referred, by the Speaker, to the Committee on Rules.

SENATE BILL NO. 13 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 13, A bill to be entitled "An Act to amend Section 1 of Article 326g, Chapter 74, Title 15, Revised Civil Statutes of 1927, providing for increase of salaries of one assistant district attorney and one stenographer in certain counties, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read second time.

Mr. Duvall offered the following amendments to the bill:

(1)

Amend Senate bill No. 13, lines 13 and 14, page 1, to read as follows: "That Section 1, Chapter 74, General and Special Laws passed by the Fortieth Legislature, be amended so that the same shall hereafter."

(2)

Amend Senate bill No. 13, lines 7 and 8, page 1, to read as follows: "An Act to amend Section 1, Chapter 74, General and Special Laws passed by the Fortieth Legislature, providing for increase of salaries."

The amendments were severally adopted.

Senate bill No. 13 was then passed to third reading.

SENATE BILL NO. 13 ON THIRD READING.

Mr. Duvall moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100.

Mr. Speaker.
Ackerman.
Adkins.
Anderson.
Avis.

Baker.
Baldwin.
Barnett.
Bateman.
Bounds.

Brice.	Maynard.
Brooks.	McGill.
Carpenter.	Mehl.
Chastain.	Morse.
Coltrin.	Mosely.
Conway.	Mullally.
Cox of Navarro.	Murphy.
Cox of Limestone.	Negley.
DeWolfe.	Olsen.
Dunlap.	Palmer.
Duvall.	Pavlica.
Enderby.	Purl.
Ewing.	Ray.
Eickenroht.	Reader.
Finn.	Reid.
Finlay.	Richardson.
Forbes.	Rogers.
Giles.	Rountree.
Graves	Sanders.
of Williamson.	Shaver.
Graves of Erath.	Shelton.
Hardy.	Sherrill.
Harding.	Shipman.
Harper.	Simmons.
Harrison.	Sinks.
Heaton.	Snelgrove.
Hines.	Speck.
Hogg.	Stephens.
Holder.	Storey.
Hopkins.	Strong.
Hornaday.	Tarwater.
Hubbard.	Thurmond.
Johnson	Tillotson.
of Dimmit.	Van Zandt.
Johnson of Smith.	Veatch.
Johnson of Scurry.	Waddell.
Justiss.	Wallace.
Kayton.	Walters.
Keller.	Warwick.
Kenyon.	Webb.
Kincaid.	White.
Lee.	Wiggs.
Long of Houston.	Williams
Long of Wichita.	of Sabine.
Mankin.	Williams
Martin.	of Travis.
Mauritz.	Woodall.

Nays—3.

Albritton.	Renfro.
Kennedy.	

Absent.

Beck.	Land.
Bradley.	Lemens.
Cox of Lamar.	McCombs.
Davis.	McDonald.
Gates.	McKean.
Gerron.	Metcalfe.
Gilbert.	Montgomery.
Harman.	Moore.
Hefley.	Patterson.
Jenkins.	Pool.
Keeton.	Pope of Jones.
King.	Pope of Nueces.
Kinnear.	Prendergast.

Quinn.	Westbrook.
Savage.	Woodruff.
Smith.	Young.
Thompson.	

Absent—Excused.

Acker.	Nicholson.
Bond.	O'Neill.
Fuchs.	Petsch.
Jones.	Stevenson.
Kemble.	Turner.
Loy.	Williams
Minor.	of Hardin.

The Speaker then laid Senate bill No. 13 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—100.

Mr. Speaker.	Justiss.
Adkins.	Kayton.
Anderson.	Keller.
Baker.	Kenyon.
Baldwin.	Kincaid.
Barnett.	Land.
Bateman.	Lee.
Beck.	Long of Houston.
Bounds.	Mankin.
Bradley.	Martin.
Brice.	Mauritz.
Brooks.	Maynard.
Carpenter.	McCombs.
Chastain.	McGill.
Coltrin.	McKean.
Conway.	Mehl.
Cox of Navarro.	Metcalfe.
Cox of Limestone.	Morse.
Dunlap.	Mullally.
Duvall.	Murphy.
Enderby.	Negley.
Ewing.	Olsen.
Eickenroht.	Palmer.
Finn.	Pavlica.
Finlay.	Pope of Nueces.
Forbes.	Purl.
Gates.	Ray.
Graves	Reader.
of Williamson.	Reid.
Graves of Erath.	Richardson.
Hardy.	Rogers.
Harding.	Rountree.
Harper.	Sanders.
Harrison.	Shaver.
Hefley.	Shelton.
Hines.	Sherrill.
Holder.	Shipman.
Hopkins.	Simmons.
Hornaday.	Sinks.
Hubbard.	Snelgrove.
Johnson	Speck.
of Dimmit.	Storey.
Johnson of Smith.	Strong.
Johnson of Scurry.	Tarwater.

Thurmond.
Tillotson.
Van Zandt.
Veatch.
Waddell.
Wallace.
Walters.
Warwick.

White.
Williams
of Sabine.
Williams
of Travis.
Woodall.
Young.

Nays—10.

Ackerman. Kennedy.
Albritton. King.
Avis. Mosely.
Davis. Stephens.
Giles. Wiggs.

Present—Not Voting.

DeWolfe.

Heaton.

Absent.

Cox of Lamar. Patterson.
Gerron. Pool.
Gilbert. Pope of Jones.
Harman. Prendergast.
Hogg. Quinn.
Jenkins. Renfro.
Keeton. Savage.
Kinnear. Smith.
Lemens. Thompson.
Long of Wichita. Webb.
McDonald. Westbrook.
Montgomery. Woodruff.
Moore.

Absent—Excused.

Acker. Nicholson.
Bond. O'Neill.
Fuchs. Petsch.
Jones. Stevenson.
Kemble. Turner.
Loy. Williams
Minor. of Hardin.

SENATE BILL NO. 29 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 29, A bill to be entitled "An Act to amend Article 4655 of the Revised Civil Statutes of the State of Texas of 1925, by adding thereto the following, to wit: 'provided, however, that when any writ of injunction is accompanied with a true and correct copy of plaintiff's petition, it shall not be necessary for the citation in the original suit to be accompanied with a copy of plaintiff's petition nor contain any statement of the nature of plaintiff's demand; but it shall be sufficient for said citation to refer to plaintiff's cause of action as set forth in a true and cor-

rect copy of plaintiff's petition which accompanies the writ of injunction,' and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 29 ON THIRD READING.

Mr. Storey moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 29 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100.

Mr. Speaker.	Land.
Ackerman.	Lee.
Adkins.	Lemens.
Albritton.	Long of Houston.
Anderson.	Martin.
Baker.	Mauritz.
Barnett.	Maynard.
Bateman.	McGill.
Beck.	McKean.
Bounds.	Mehl.
Bradley.	Metcalf.
Brice.	Montgomery.
Carpenter.	Moore.
Chastain.	Mosely.
Coltrin.	Mullally.
Conway.	Negley.
Cox of Lamar.	Olsen.
Cox of Limestone.	Pavlica.
DeWolfe.	Pool.
Dunlap.	Pope of Nueces.
Enderby.	Prendergast.
Ewing.	Purl.
Eickenroht.	Ray.
Finn.	Reader.
Finlay.	Reid.
Forbes.	Richardson.
Giles.	Rogers.
Graves.	Rountree.
of Williamson.	Sanders.
Graves of Erath.	Shaver.
Hardy.	Shelton.
Harper.	Shipman.
Harrison.	Sinks.
Hefley.	Snelgrove.
Hines.	Speck.
Holder.	Stephens.
Hornaday.	Storey.
Hubbard.	Strong.
Johnson.	Tarwater.
of Dimmit.	Thurmond.
Johnson of Smith.	Tillotson.
Johnson of Scurry.	Van Zandt.
Justiss.	Veatch.
Kayton.	Waddell.
Keller.	Wallace.
Kennedy.	Walters.
Kenyon.	Warwick.
King.	Webb.

White.
Wiggs.
Williams
of Sabine.

Williams
of Travis.
Woodall.
Young.

Present—Not Voting.

Heaton.

McCombs.

Absent.

Avis.
Baldwin.
Brooks.
Cox of Navarro.
Davis.
Duvall.
Gates.
Gerron.
Gilbert.
Harding.
Harman.
Hogg.
Hopkins.
Jenkins.
Keeton.
Kincaid.
Kinnear.

Long of Wichita.
Mankin.
McDonald.
Morse.
Murphy.
Palmer.
Patterson.
Pope of Jones.
Quinn.
Renfro.
Savage.
Sherrill.
Simmons.
Smith.
Thompson.
Westbrook.
Woodruff.

Absent—Excused.

Acker.
Bond.
Fuchs.
Jones.
Kemble.
Loy.
Minor.

Nicholson.
O'Neill.
Petsch.
Stevenson.
Turner.
Williams
of Hardin.

The Speaker then laid Senate bill No. 29 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—101.

Ackerman.
Adkins.
Albritton.
Anderson.
Baker.
Baldwin.
Barnett.
Bateman.
Beck.
Bounds.
Bradley.
Carpenter.
Chastain.
Coltrin.
Conway.
Cox of Limestone.
DeWolfe.
Dunlap.
Enderby.
Ewing.
Eickenroht.
Finn.

Finlay.
Forbes.
Giles.
Graves
of Williamson.
Graves of Erath.
Hardy.
Harper.
Harrison.
Heaton.
Hefley.
Hines.
Holder.
Hornaday.
Hubbard.
Jenkins.
Johnson
of Dimmit.
Johnson of Smith.
Johnson of Scurry.
Justiss.
Kayton.

Keller.
Kennedy.
Kenyon.
Kincaid.
King.
Lee.
Lemens.
Long of Houston.
Mankin.
Martin.
Maynard.
McGill.
McKean.
Metcalf.
Montgomery.
Moore.
Mullally.
Murphy.
Negley.
Olsen.
Pavlica.
Pool.
Pope of Jones.
Pope of Nueces.
Prendergast.
Purl.
Ray.
Reid.
Richardson.
Rogers.
Rountree.

Sanders.
Shaver.
Shelton.
Shipman.
Simmons.
Sinks.
Snelgrove.
Speck.
Stephens.
Storey.
Strong.
Tarwater.
Thompson.
Thurmond.
Tillotson.
Van Zandt.
Veatch.
Waddell.
Walters.
Warwick.
Webb.
Westbrook.
White.
Wiggs.
Williams
of Sabine.
Williams
of Travis.
Woodall.
Young.

Present—Not Voting.

Avis.
Brice.

McCombs.
Sherrill.

Absent.

Brooks.
Cox of Navarro.
Cox of Lamar.
Davis.
Duvall.
Gates.
Gilbert.
Harding.
Harman.
Hogg.
Hopkins.
Keeton.
Kinnear.
Land.

Long of Wichita.
Mauritz.
McDonald.
Mehl.
Morse.
Mosely.
Palmer.
Patterson.
Quinn.
Reader.
Renfro.
Savage.
Smith.
Woodruff.

Absent—Excused.

Acker.
Bond.
Fuchs.
Gerron.
Jones.
Kemble.
Loy.
Minor.

Nicholson.
O'Neill.
Petsch.
Stevenson.
Turner.
Wallace.
Williams
of Hardin.

Mr. Albritton moved a call of the House for the purpose of maintaining

a quorum until 12 o'clock m. today, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Albritton, the Sergeant-at-Arms was instructed to bring in all absent members who are not sick or excused for important committee work.

On motion of Mr. Purl, the Sergeant-at-Arms was instructed to notify all absent members that their presence in the House is requested.

SENATE BILL NO. 30 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 30, A bill to be entitled "An Act to repeal Article 28 of the Revised Civil Statutes of the State of Texas of 1925, relating to the publication in newspapers of legal notices and amending Article 3334 of the Revised Civil Statutes of the State of Texas of 1925, as amended by the Acts of the Fortieth Legislature of the State of Texas, in Chapter 81 of the Session Laws thereof, so as to eliminate that portion of said article reading as follows, to wit: 'provided if publication of such citation be made as provided by Article 28, Revised Civil Statutes of 1925, such publication shall be sufficient service of citation without posting said notices,' and declaring an emergency."

The bill was read second time.

Mr. Warwick offered the following amendment to the bill:

Amend Senate bill No. 30 by striking out everything below the enacting clause and insert the following in lieu thereof:

"Section 1. Article 28 of the Revised Civil Statutes of the State of Texas is hereby amended so as to read as follows:

"Whenever by law notice is required to be given of any act or proceeding, whether public or private or relating to a judicial, executive or legislative matter, which notice is now authorized by law or by contract to be made by posting notices in one or more public places, such notices shall be given by publication thereof in a newspaper of general circulation which has been continuously and regularly published for a period of

not less than one year, in the county in which said act or proceeding is to occur.

"All notices published hereunder shall be printed at least once each week for the period of time required for the publication or posting of such notices. If no newspaper shall be published in the county where such notice is required to be given, then such notice may be posted instead of being printed for the time required.

"Section 2. This act shall not require the printing of notices of sales under mortgage or deed of trust which provide for the posting of notices of such sales unless the person or persons in default shall, prior to such default, give written notice to the owner or holder of the mortgage lien which is subject to foreclosure requesting the printing of any such notice of sale, which notice to such owner or holder of such mortgage lien shall be duly acknowledged as deeds for the conveyance of real estate and filed for record prior to default in the office of the county clerk of the county where the property to be sold is situated.

"Section 3. It shall be deemed a compliance with this law to print an abstract of the notice required to be printed hereunder which shall clearly present the material facts relating thereto.

"Section 4. That all laws, both general and special, and parts of laws, in conflict herewith be, and the same are hereby repealed.

"Section 5. The fact that the Revised Civil Statutes of the State of Texas relating to the publication and posting of notices in legal matters is now confusing, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended and said rule is hereby suspended and this act shall take effect and be in force from and after its passage, and it is so enacted."

On motion of Mr. Pope of Nueces, further consideration of the bill was postponed until 10 o'clock a. m. tomorrow, and the following proposed amendment ordered printed in the Journal:

Amend amendment No. 1, Section 2 thereof, by adding after the word "situated," which is the last word in Section 2 thereof, the following:

"Provided, that the provisions of this section shall not apply to existing mortgages or deeds of trust, but only to those which may be executed hereafter."

STOREY.

(Mr. Murphy in the chair.)

SENATE BILL NO. 32 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 32, A bill to be entitled "An Act to amend Article 1020 of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that in cases where an examining trial is held charging the offense of murder, rape, burglary, burglary of a private residence, theft of property of the value of fifty (\$50) dollars or over, or robbery, and the defendant is thereafter indicted by the grand jury, the examining trial fees of the sheriff shall be the same as provided by Articles 1029 and 1030 of the Code of Criminal Procedure for executing process; and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 32 ON THIRD
READING.

Mr. Keller moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 32 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—95.

Adkins.	Harding.
Albritton.	Harman.
Anderson.	Harper.
Baker.	Harrison.
Baldwin.	Heaton.
Barnett.	Hefley.
Bateman.	Hines.
Beck.	Hogg.
Bounds.	Holder.
Bradley.	Hopkins.
Brice.	Hornaday.
Carpenter.	Hubbard.
Chastain.	Johnson of Smith.
Coltrin.	Johnson of Scurry.
Conway.	Justiss.
Cox of Navarro.	Keller.
DeWolfe.	Kennedy.
Dunlap.	Kenyon.
Enderby.	Kincaid.
Ewing.	Land.
Finn.	Lee.
Finlay.	Long of Houston.
Forbes.	Long of Wichita.
Gilbert.	Mankin.
Giles.	Martin.
Graves	McCombs.
of Williamson.	McGill.
Graves of Erath.	McKean.
Hardy.	Mehl.

Metcalf.	Shelton.
Montgomery.	Sherrill.
Moore.	Shipman.
Morse.	Simmons.
Mosely.	Smith.
Mullally.	Speck.
Negley.	Strong.
Olsen.	Tarwater.
Pavlica.	Thompson.
Pool.	Thurmond.
Pope of Jones.	Van Zandt.
Pope of Nueces.	Walters.
Quinn.	Webb.
Ray.	White.
Reader.	Williams
Reid.	of Sabine.
Richardson.	Williams
Rogers.	of Travis.
Sanders.	Woodall.
Savage.	Woodruff.

Nays—10.

Ackerman.	Renfro.
Brooks.	Sinks.
Davis.	Stephens.
Jenkins.	Wiggs.
King.	Young.

Present—Not Voting.

Avis.	Storey.
Cox of Limestone.	

Absent.

Cox of Lamar.	Murphy.
Duvall.	Palmer.
Eickenroht.	Patterson.
Gates.	Prendergast.
Gerron.	Purl.
Johnson	Rountree.
of Dimmit.	Shaver.
Kayton.	Snelgrove.
Keeton.	Tillotson.
Kinnear.	Veatch.
Lemens.	Waddell.
Mauritz.	Warwick.
Maynard.	Westbrook.
McDonald.	

Absent—Excused.

Acker.	O'Neill.
Bond.	Petsch.
Fuchs.	Stevenson.
Jones.	Turner.
Kemble.	Wallace.
Loy.	Williams
Minor.	of Hardin.
Nicholson.	

The Speaker then laid Senate bill No. 32 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—91.

Adkins.	Long of Houston.
Albritton.	Long of Wichita.
Anderson.	Mankin.
Baker.	McCombs.
Baldwin.	McGill.
Barnett.	McKean.
Bateman.	Mehl.
Beck.	Metcalfe.
Bounds.	Montgomery.
Bradley.	Moore.
Brice.	Morse.
Brooks.	Mullally.
Carpenter.	Murphy.
Chastain.	Pavlica.
Coltrin.	Pool.
Conway.	Pope of Jones.
Cox of Navarro.	Pope of Nueces.
Cox of Lamar.	Quinn.
DeWolfe.	Ray.
Dunlap.	Reader.
Enderby.	Reid.
Ewing.	Richardson.
Eickenroht.	Rogers.
Finn.	Sanders.
Finlay.	Savage.
Forbes.	Shelton.
Giles.	Sherrill.
Graves.	Shipman.
of Williamson.	Smith.
Graves of Erath.	Snelgrove.
Hardy.	Storey.
Harding.	Strong.
Harman.	Tarwater.
Harper.	Thurmond.
Harrison.	Van Zandt.
Hefley.	Veatch.
Hines.	Waddell.
Hogg.	Warwick.
Holder.	Webb.
Hopkins.	White.
Hornaday.	Williams
Johnson of Smith.	of Sabine.
Johnson of Scurry.	Williams
Justiss.	of Travis.
Keller.	Woodall.
Kennedy.	Woodruff.
Kenyon.	Young.
Lemens.	

Nays—10.

Ackerman.	Mosely.
Avis.	Sinks.
Davis.	Stephens.
Jenkins.	Walters.
King.	Wiggs.

Present—Not Voting.

Cox of Limestone.

Absent.

Duval.	Hubbard.
Gates.	Johnson
Gilbert.	of Dimmit.
Heaton.	Kayton.

Keeton.	Patterson.
Kincaid.	Prendergast.
Kinnear.	Purl.
Land.	Renfro.
Lee.	Rountree.
Martin.	Shaver.
Mauritz.	Simmons.
Maynard.	Speck.
McDonald.	Thompson.
Negley.	Tillotson.
Olsen.	Westbrook.
Palmer.	

Absent—Excused.

Acker.	Nicholson.
Bond.	O'Neill.
Fuchs.	Petsch.
Gerron.	Stevenson.
Jones.	Turner.
Kemble.	Wallace.
Loy.	Williams
Minor.	of Hardin.

SENATE BILL NO. 34 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 34, A bill to be entitled "An Act to amend Article 1557 of Chapter 17, Title 17, of the Penal Code of the State of Texas of 1925; and declaring an emergency."

The bill was read second time.

Mr. Storey offered the following amendment to the bill:

Amend Senate bill No. 34 by striking out the following in lines 34, 35 and 36, "the failure to so notify such holder shall be prima facie evidence that such property was concealed with criminal intent."

(Speaker in the chair.)

The amendment was adopted.

Mr. Pope of Nueces offered the following amendment to the bill:

Amend Senate bill No. 34 by adding after the word "same" in line 30, page 1, the following, "or absents himself from the county or otherwise conceals himself so that notice cannot be given him."

The amendment was adopted.

Senate bill No. 34 was then passed to third reading.

SENATE BILL NO. 34 ON THIRD READING.

Mr. Keller moved that the constitutional rule requiring bills to be read on three several days be suspended and

that Senate bill No. 34 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108.

Mr. Speaker.	Lee.
Ackerman.	Lemens.
Adkins.	Long of Wichita.
Albritton.	Martin.
Anderson.	Mauritz.
Baker.	Maynard.
Baldwin.	McCombs.
Bateman.	McDonald.
Beck.	McGill.
Bounds.	McKean.
Bradley.	Mehl.
Brice.	Moore.
Brooks.	Mosely.
Carpenter.	Mullally.
Chastain.	Murphy.
Coltrin.	Negley.
Conway.	Olsen.
Cox of Navarro.	Palmer.
Cox of Limestone.	Pavlica.
DeWolfe.	Pool.
Dunlap.	Pope of Nueces.
Enderby.	Prendergast.
Ewing.	Purl.
Eickenroht.	Quinn.
Finn.	Reader.
Finlay.	Reid.
Forbes.	Richardson.
Gates.	Rountree.
Giles.	Sanders.
Graves	Savage.
of Williamson.	Shelton.
Graves of Erath.	Shipman.
Hardy.	Simmons.
Harding.	Sinks.
Harper.	Smith.
Harrison.	Snelgrove.
Heaton.	Speck.
Hines.	Stephens.
Holder.	Storey.
Hopkins.	Strong.
Hornaday.	Tarwater.
Hubbard.	Thurmond.
Jenkins.	Van Zandt.
Johnson	Waddell.
of Dimmit.	Wallace.
Johnson of Smith.	Walters.
Johnson of Scurry.	Warwick.
Justiss.	Webb.
Kayton.	Westbrook.
Keller.	Williams
Kennedy.	of Sabine.
Kenyon.	Williams
Kincaid.	of Travis.
King.	Woodall.
Kinnear.	Woodruff.
Land.	Young.

Nays—4.

Cox of Lamar.	Renfro.
Gilbert.	Wiggs.

Absent.

Avis.	Morse.
Barnett.	Patterson.
Davis.	Pope of Jones.
Duvall.	Ray.
Harman.	Rogers.
Hefley.	Shaver.
Hogg.	Sherrill.
Keeton.	Thompson.
Long of Houston.	Tillotson.
Mankin.	Veatch.
Metcalfe.	White.
Montgomery.	

Absent—Excused.

Acker.	Nicholson.
Bond.	O'Neill.
Fuchs.	Petsch.
Gerron.	Stevenson.
Jones.	Turner.
Kemble.	Williams
Loy.	of Hardin.
Minor.	

The Speaker then laid Senate bill No. 34 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—102.

Mr. Speaker.	Harding.
Ackerman.	Harper.
Adkins.	Harrison.
Albritton.	Heaton.
Anderson.	Hefley.
Avis.	Hines.
Baker.	Holder.
Baldwin.	Hopkins.
Barnett.	Hubbard.
Bateman.	Johnson
Beck.	of Dimmit.
Bounds.	Johnson of Smith.
Bradley.	Johnson of Scurry.
Brice.	Justiss.
Brooks.	Kayton.
Carpenter.	Keller.
Chastain.	Kennedy.
Coltrin.	King.
Conway.	Lee.
Cox of Lamar.	Lemens.
Cox of Limestone.	Long of Wichita.
DeWolfe.	Mauritz.
Enderby.	Maynard.
Ewing.	McDonald.
Eickenroht.	McGill.
Finn.	McKean.
Finlay.	Mehl.
Forbes.	Montgomery.
Gates.	Mosely.
Gilbert.	Mullally.
Giles.	Negley.
Graves	Olsen.
of Williamson.	Pavlica.
Graves of Erath.	Pool.
Hardy.	Pope of Jones.

Prendergast.	Tarwater.
Purl.	Thurmond.
Quinn.	Van Zandt.
Reader.	Veatch.
Reid.	Waddell.
Richardson.	Wallace.
Rountree.	Walters.
Sanders.	Warwick.
Savage.	Webb.
Shaver.	White.
Shelton.	Wiggs.
Shipman.	Williams
Simmons.	of Sabine.
Sinks.	Williams
Smith.	of Travis.
Snelgrove.	Woodall.
Stephens.	Woodruff.
Strong.	Young.

Absent.

Cox of Navarro.	Metcalfe.
Davis.	Moore.
Dunlap.	Morse.
Duvall.	Palmer.
Harman.	Patterson.
Hogg.	Pope of Nueces.
Jenkins.	Ray.
Keeton.	Renfro.
Kenyon.	Rogers.
Kincaid.	Sherrill.
Kinnear.	Speck.
Land.	Storey.
Long of Houston.	Thompson.
Mankin.	Tillotson.
Martin.	Westbrook.
McCombs.	

Absent—Excused.

Acker.	Murphy.
Bond.	Nicholson.
Fuchs.	O'Neill.
Gerron.	Petsch.
Hornaday.	Stevenson.
Jones.	Turner.
Kemble.	Williams
Loy.	of Hardin.
Minor.	

SENATE BILL NO. 33 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 33, A bill to be entitled "An Act providing that when a person be convicted of a felony and the punishment assessed is only a fine or a jail sentence, or both, that the judgment may be satisfied in the same manner as a conviction for a misdemeanor is by law satisfied; and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 33 ON THIRD
READING.

Mr. Woodall moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 33 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—101.

Ackerman.	Land.
Adkins.	Lee.
Albritton.	Lemens.
Anderson.	Long of Houston.
Avis.	Mankin.
Baker.	Martin.
Barnett.	Mauritz.
Bateman.	McCombs.
Beck.	McGill.
Bounds.	McKean.
Bradley.	Mehl.
Brice.	Metcalfe.
Brooks.	Montgomery.
Coltrin.	Moore.
Conway.	Morse.
Cox of Navarro.	Mosely.
Cox of Limestone.	Mullally.
DeWolfe.	Negley.
Duvall.	Olsen.
Enderby.	Pavlica.
Ewing.	Pope of Jones.
Eickenroht.	Purl.
Finn.	Quinn.
Finlay.	Ray.
Forbes.	Reader.
Gilbert.	Reid.
Giles.	Richardson.
Graves	Rogers.
of Williamson.	Sanders.
Graves of Erath.	Savage.
Hardy.	Shelton.
Harman.	Sherrill.
Harper.	Shipman.
Harrison.	Smith.
Heaton.	Snelgrove.
Hefley.	Speck.
Hines.	Stephens.
Hogg.	Strong.
Holder.	Thompson.
Hopkins.	Thurmond.
Hornaday.	Van Zandt.
Hubbard.	Veatch.
Jenkins.	Waddell.
Johnson of Smith.	Walters.
Johnson of Scurry.	Webb.
Justiss.	White.
Kayton.	Wiggs.
Keller.	Williams
Kennedy.	of Sabine.
Kenyon.	Woodall.
Kincaid.	Woodruff.
King.	Young.

Present—Not Voting.

Tarwater.

Absent.

Baldwin.	Palmer.
Carpenter.	Patterson.
Chastain.	Pool.
Cox of Lamar.	Pope of Nueces.
Davis.	Prendergast.
Dunlap.	Renfro.
Gates.	Rountree.
Harding.	Shaver.
Johnson	Simmons.
of Dimmit.	Sinks.
Keeton.	Storey.
Kinnear.	Tillotson.
Long of Wichita.	Warwick.
Maynard.	Westbrook.
McDonald.	Williams
Murphy.	of Travis.

Absent—Excused.

Acker.	Nicholson.
Bond.	O'Neill.
Fuchs.	Petsch.
Gerron.	Stevenson.
Jones.	Turner.
Kemble.	Wallace.
Loy.	Williams
Minor.	of Hardin.

The Speaker then laid Senate bill No. 33 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—105.

Mr. Speaker.	Graves
Ackerman.	of Williamson.
Adkins.	Hardy.
Albritton.	Harding.
Anderson.	Harman.
Avis.	Harrison.
Baldwin.	Heaton.
Barnett.	Hefley.
Beck.	Hines.
Bounds.	Hogg.
Bradley.	Holder.
Brice.	Hopkins.
Brooks.	Hubbard.
Carpenter.	Jenkins.
Chastain.	Johnson
Coltrin.	of Dimmit.
Conway.	Johnson of Smith.
Cox of Navarro.	Johnson of Scurry.
Cox of Limestone.	Justiss.
DeWolfe.	Keller.
Enderby.	Kennedy.
Ewing.	Kenyon.
Eickenroht.	Kincaid.
Finn.	King.
Finlay.	Lee.
Forbes.	Lemens.
Gates.	Long of Wichita.
Gilbert.	Martin.
Giles.	Mauritz.
Graves of Erath.	Maynard.

McCombs.	Simmons.
McDonald.	Sinks.
McGill.	Smith.
Mehl.	Speck.
Montgomery.	Stephens.
Mosely.	Storey.
Mullally.	Strong.
Murphy.	Thurmond.
Negley.	Van Zandt.
Olsen.	Veatch.
Palmer.	Waddell.
Pavlica.	Wallace.
Pool.	Walters.
Prendergast.	Warwick.
Quinn.	Webb.
Reader.	Westbrook.
Reid.	White.
Renfro.	Williams
Richardson.	of Sabine.
Rountree.	Williams
Sanders.	of Travis.
Savage.	Woodall.
Shaver.	Woodruff.
Shelton.	Young.
Shipman.	

Nays—1.

Wiggs.

Present—Not Voting.

Tarwater.

Absent.

Baker.	McKean.
Bateman.	Metcalfe.
Cox of Lamar.	Moore.
Davis.	Morse.
Dunlap.	Patterson.
Duvall.	Pope of Jones.
Harper.	Pope of Nueces.
Hornaday.	Purl.
Kayton.	Ray.
Keeton.	Rogers.
Kinnear.	Sherrill.
Land.	Snelgrove.
Long of Houston.	Thompson.
Mankin.	Tillotson.

Absent—Excused.

Acker.	Nicholson.
Bond.	O'Neill.
Fuchs.	Petsch.
Gerron.	Stevenson.
Jones.	Turner.
Kemble.	Williams
Loy.	of Hardin.
Minor.	

SENATE BILL NO. 36 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 36, A bill to be entitled "An Act to amend Article 1052, Title 15, Chapter 3, of the Code of Criminal

Procedure of the State of Texas, Revision of 1925, so as to provide fees for the courts in misdemeanor cases and to relieve the courts of any interest in the result of the trial; and declaring an emergency."

The bill was read second time.

Mr. Woodall offered the following (committee) amendment to the bill:

Amend Senate bill No. 36, page 1, by adding after the words "county attorney or his assistant" the following, "criminal district attorney or his assistant."

(Mr. Holder in the chair.)

The amendment was adopted.

Mr. Woodall offered the following (committee) amendment to the bill:

"Provided, that in all counties having a population of 25,000 or less according to the last Federal census shall receive a compensation of three dollars for each criminal action tried and finally disposed of."

Question — Shall the amendment be adopted?

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 13, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 165, A bill to be entitled "An Act to fix the salary of the superintendent of public instruction in each county in Texas having a population of not less than 9000 or more than 9010 according to the Federal census of 1920; providing for office expenses."

S. B. No. 190, A bill to be entitled "An Act making an emergency appropriation out of the sand, shell and gravel fund of this State to pay certain refunds of the tax collected by the Game, Fish and Oyster Commissioner on sand, shell and gravel used by counties and cities or towns for constructing streets and roads; and declaring an emergency."

H. B. No. 57, A bill to be entitled "An Act to amend Article 4111 of the Revised Civil Statutes of Texas, 1925, amended by Chapter 175, page 257, Regular Session of the Fortieth Legislature, 1927, so as to provide for fixing the venue where the appointment of guardians may be made; and declaring an emergency," with amendment.

H. B. No. 59, A bill to be entitled "An Act to amend Articles 4613 and 4614, Title 75, Chapter 3, of the Revised

Statutes of the State of Texas, 1925, concerning the marital rights of parties, defining separate property of the husband and wife, exempting the separate property of the husband from debts contracted by the wife except for necessities furnished herself and children after her marriage with him, and from torts of the wife, giving husband management, control and disposition of his separate property during the marriage, providing that the wife shall have the sole management, control and disposition of her separate property; provided, that the joinder of the husband shall be necessary to a conveyance or encumbrance of the wife's lands, bonds and stocks; repealing all laws and parts of laws in conflict herewith; and declaring an emergency," with amendment.

H. B. No. 46, A bill to be entitled "An Act amending Article 3386 of the Revised Statutes of 1925, as amended, 1927, providing for the amount of bonds of executors and administrators, and amending Article 3392 of the Revised Statutes of 1925, requiring new bond."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

HOUSE BILL NO. 59, WITH SENATE AMENDMENTS.

Mr. Hubbard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 59, A bill to be entitled "An Act to amend Articles 4613 and 4614, Title 75, Chapter 3, of the Revised Statutes of the State of Texas, 1925, concerning the marital rights of parties, defining separate property of the husband and wife, exempting separate property of the husband from debts contracted by the wife except for necessities furnished herself and children after her marriage with him, and from torts of the wife, giving husband management, control and disposition of his separate property during the marriage, providing that the wife shall have the sole management, control and disposition of her separate property; provided, that the joinder of the husband shall be necessary to a conveyance or encumbrance of the wife's lands, bonds and stocks; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Hubbard, the House

concurrent in the Senate amendments by the following vote:

Yeas—115.

Ackerman.	Martin.
Adkins.	Mauritz.
Albritton.	Maynard.
Anderson.	McCombs.
Baker.	McDonald.
Baldwin.	McGill.
Barnett.	McKean.
Bateman.	Mehl.
Beck.	Montgomery.
Bounds.	Moore.
Bradley.	Morse.
Brice.	Mosely.
Brooks.	Mullally.
Carpenter.	Murphy.
Chastain.	Negley.
Coltrin.	Olsen.
Conway.	Palmer.
Cox of Navarro.	Pavlica.
Cox of Lamar.	Pope of Jones.
Cox of Limestone.	Pope of Nueces.
Dunlap.	Prendergast.
Duvall.	Purl.
Enderby.	Quinn.
Ewing.	Reid.
Eickenroht.	Renfro.
Finn.	Richardson.
Finlay.	Rogers.
Forbes.	Rountree.
Gilbert.	Sanders.
Giles.	Savage.
Graves	Shaver.
of Williamson.	Shelton.
Graves of Erath.	Sherrill.
Hardy.	Shipman.
Harding.	Simmons.
Harman.	Snelgrove.
Harper.	Speck.
Harrison.	Stephens.
Heaton.	Storey.
Hefley.	Strong.
Hines.	Tarwater.
Hopkins.	Thompson.
Hubbard.	Thurmond.
Jenkins.	Van Zandt.
Johnson	Veatch.
of Dimmit.	Waddell.
Johnson of Smith.	Wallace.
Johnson of Scurry.	Walters.
Kayton.	Warwick.
Keller.	Webb.
Kemble.	Westbrook.
Kennedy.	White.
Kenyon.	Wiggs.
Kincaid.	Williams
King.	of Sabine.
Kinnear.	Williams
Land.	of Travis.
Lee.	Woodall.
Lemens.	Woodruff.
Long of Houston.	Young.
Mankin.	

Present—Not Voting.

Avis.

Absent.

Davis.	Metcalf.
DeWolfe.	Patterson.
Gates.	Pool.
Hogg.	Ray.
Holder.	Reader.
Justiss.	Sinks.
Keeton.	Smith.
Long of Wichita.	Tillotson.

Absent—Excused.

Acker.	Nicholson.
Bond.	O'Neill.
Fuchs.	Petsch.
Gerron.	Stevenson.
Hornaday.	Turner.
Jones.	Williams
Loy.	of Hardin.
Minor.	

(Speaker in the chair.)

BILLS ORDERED NOT PRINTED.

(By Unanimous Consent.)

On motion of Mr. Finlay, Senate bill No. 388 was ordered not printed.

On motion of Mr. McKean, Senate bill No. 62 was ordered not printed.

On motion of Mr. Purl, Senate bills Nos. 89, 294 and 298 were ordered not printed.

RECESS.

On motion of Mr. Anderson, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

SENATE BILL NO. 36 ON PASSAGE TO THIRD READING.

The House resumed consideration of pending business, same being Senate bill No. 36, relating to fees in misdemeanor cases, on its passage to third reading, with committee amendment by Mr. Woodall, pending.

Mr. Woodall withdrew the pending amendment.

Mr. Woodall offered the following amendment to the bill:

Amend Senate bill No. 36, line 29, by striking out the word "two" at the end of said line and inserting in lieu thereof the word "three"; and amend in line 31, after the words "court at law," by striking out the word "or" and insert-

ing the words "and two dollars shall be paid by the county."

The amendment was adopted.

Mr. Quinn offered the following amendment to the bill:

Amend Senate bill No. 36, Section 1, page 2, by adding the following at the end of said section. "provided, that no fee shall be paid to any official who is on a salary basis."

On motion of Mr. Purl, the amendment was tabled.

Mr. Woodall offered the following (committee) amendment to the bill:

"Provided, that in all counties having a population of 25,000 or less, according to the last Federal census, shall receive a compensation of three dollars for each criminal action tried and finally disposed of."

Mr. Johnson of Dimmit offered the following amendment to the amendment:

Amend Senate bill No. 36 by adding at the end of Section 1 thereof the following, "provided, that all fees and costs now provided by law for the justice of the peace or judge in such cases shall be collected as heretofore and the same, together with all fines, shall be turned into the county treasury of the county where the case is tried."

The amendment was adopted.

Mr. Justiss offered the following amendment to the amendment:

Amend committee amendment No. 2 of Senate bill No. 36 by adding between the words "census shall" in line 38 the following. "and in all counties having not less than 50,600 and not more than 50,650, according to the Federal census, 1920."

The amendment was adopted.

Mr. Hopkins offered the following amendment to the amendment:

Amend committee amendment No. 2 of Senate bill No. 36 by striking out the figures "25,000" and insert in lieu thereof "35,000."

(Mr. Holder in the chair.)

The amendment was adopted.

The amendment as amended was then adopted.

Mr. DeWolfe offered the following amendment to the bill:

Amend Senate bill No. 36 by adding after Section 1 another section:

"Section 1a. The fees provided in this act shall not be paid to justices of the peace or county judges where at the present time they are paid wholly by a salary."

Mr. Quinn offered the following substitute for the amendment:

Amend Senate bill No. 36 at the end of Section 1 as amended the following, "provided, that no additional compensation shall be paid to any official who receives a salary or salaries and fees in excess of \$3000."

The amendment was lost.

The amendment by Mr. DeWolfe was then lost.

Mr. Morse moved the previous question on the passage of the bill to third reading, and the main question was ordered.

Senate bill No. 36 was then passed to third reading.

HOUSE BILL NO. 57, WITH SENATE AMENDMENTS.

Mr. Pope of Nueces called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 57, A bill to be entitled "An Act to amend Article 4111 of the Revised Civil Statutes of Texas, 1925, amended by Chapter 179, page 257, Regular Session of the Fortieth Legislature, 1927, so as to provide for fixing the venue where the appointment of guardians may be made; and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

On motion of Mr. Pope of Nueces, the House concurred in the Senate amendments by the following vote:

Yeas—109.

Acker.	Graves
Ackerman.	of Williamson.
Adkins.	Hardy.
Albritton.	Harding.
Avis.	Harper.
Baker.	Harrison.
Barnett.	Heaton.
Bateman.	Hefley.
Beck.	Hines.
Bounds.	Hogg.
Bradley.	Holder.
Brice.	Hopkins.
Brooks.	Hornaday.
Carpenter.	Hubbard.
Cox of Lamar.	Jenkins.
Cox of Limestone.	Johnson
Davis.	of Dimmit.
Dunlap.	Johnson of Smith.
Enderby.	Johnson of Scurry.
Ewing.	Justiss.
Eickenroht.	Kayton.
Finlay.	Keller.
Forbes.	Kemble.
Giles.	Kennedy.
Graves of Erath.	Kenyon.

Kincaid.	Richardson.
King.	Rogers.
Land.	Sanders.
Lee.	Savage.
Lemens.	Shaver.
Long of Houston.	Shelton.
Long of Wichita.	Sherrill.
Mankin.	Shipman.
Martin.	Simmons.
Mauritz.	Sinks.
Maynard.	Snelgrove.
McCombs.	Speck.
McDonald.	Stephens.
McGill.	Storey.
McKean.	Strong.
Mehl.	Tarwater.
Montgomery.	Thurmond.
Moore.	Tillotson.
Morse.	Van Zandt.
Mosely.	Veatch.
Mullally.	Waddell.
Negley.	Walters.
Olsen.	Warwick.
Palmer.	Webb.
Patterson.	White.
Pool.	Wiggs.
Pope of Nueces.	Williams
Purl.	of Sabine.
Ray.	Woodall.
Reader.	Woodruff.
Reid.	Young.
Renfro.	

Absent.

Anderson.	Kinnear.
Baldwin.	Metcalf.
Chastain.	Pavlica.
Coltrin.	Pope of Jones.
Conway.	Prendergast.
Cox of Navarro.	Quinn.
DeWolfe.	Rountree.
Duvall.	Smith.
Finn.	Thompson.
Gates.	Westbrook.
Gilbert.	Williams
Harman.	of Travis.
Keeton.	

Absent—Excused.

Bond.	O'Neill.
Fuchs.	Petsch.
Gerron.	Stevenson.
Jones.	Turner.
Loy.	Wallace.
Minor.	Williams
Murphy.	of Hardin.
Nicholson.	

SENATE BILL NO. 36 ON THIRD READING.

Mr. Woodall moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110.

Acker.	Mankin.
Ackerman.	Martin.
Adkins.	Mauritz.
Albritton.	Maynard.
Avis.	McCombs.
Baker.	McDonald.
Baldwin.	McGill.
Barnett.	Mehl.
Bateman.	Montgomery.
Beck.	Moore.
Bounds.	Morse.
Bradley.	Mosely.
Brooks.	Mullally.
Carpenter.	Negley.
Cox of Lamar.	Olsen.
Cox of Limestone.	Palmer.
Davis.	Patterson.
DeWolfe.	Pavlica.
Dunlap.	Pool.
Enderby.	Pope of Nueces.
Ewing.	Prendergast.
Finn.	Purl.
Finlay.	Ray.
Forbes.	Reader.
Gerron.	Reid.
Giles.	Richardson.
Graves	Rogers.
of Williamson.	Sanders.
Hardy.	Savage.
Harding.	Shaver.
Harper.	Shelton.
Harrison.	Sherrill.
Heaton.	Shipman.
Hefley.	Simmons.
Hines.	Sinks.
Hogg.	Snelgrove.
Holder.	Speck.
Hopkins.	Stephens.
Hornaday.	Storey.
Hubbard.	Strong.
Jenkins.	Tarwater.
Johnson	Thurmond.
of Dimmit.	Van Zandt.
Johnson of Smith.	Veatch.
Johnson of Scurry.	Waddell.
Justiss.	Wallace.
Kayton.	Walters.
Keller.	Warwick.
Kenyon.	Webb.
Kincaid.	White.
King.	Wiggs.
Kinnear.	Williams
Land.	of Sabine.
Lee.	Woodall.
Lemens.	Woodruff.
Long of Houston.	Young.
Long of Wichita.	

Nays—3.

Graves of Erath.	McKean.
Kennedy.	

Absent.

Anderson.	Metcalf.
Brice.	Pope of Jones.
Chastain.	Quinn.
Coltrin.	Renfro.
Conway.	Rountree.
Cox of Navarro.	Smith.
Duvall.	Thompson.
Eickenroht.	Tillotson.
Gates.	Westbrook.
Gilbert.	Williams
Harman.	of Travis.
Keeton.	

Absent—Excused.

Bond.	Murphy.
Fuchs.	O'Neill.
Jones.	Petsch.
Kemble.	Stevenson.
Loy.	Turner.
Nicholson.	Williams
Minor.	of Hardin.

The Speaker then laid Senate bill No. 36 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—105.

Ackerman.	Holder.
Adkins.	Hopkins.
Albritton.	Hornaday.
Avis.	Hubbard.
Baker.	Jenkins.
Baldwin.	Johnson
Barnett.	of Dimmit.
Bateman.	Johnson of Smith.
Beck.	Johnson of Scurry.
Bounds.	Justiss.
Bradley.	Keller.
Brice.	Kennedy.
Brooks.	Kenyon.
Carpenter.	Kincaid.
Conway.	King.
Cox of Lamar.	Kinnear.
Cox of Limestone.	Land.
Davis.	Lemens.
DeWolfe.	Long of Houston.
Enderby.	Long of Wichita.
Ewing.	Mankin.
Finn.	Martin.
Finlay.	Mauritz.
Forbes.	Maynard.
Gerron.	McCombs.
Giles.	McDonald.
Graves	McGill.
of Williamson.	Mehl.
Hardy.	Montgomery.
Harding.	Moore.
Harper.	Morse.
Harrison.	Mosely.
Heaton.	Mullally.
Hefley.	Negley.
Hines.	Olsen.
Hogg.	Palmer.

Patterson.	Speck.
Pavlica.	Stephens.
Pool.	Storey.
Pope of Nueces.	Strong.
Prendergast.	Thurmond.
Purl.	Van Zandt.
Reader.	Waddell.
Reid.	Wallace.
Richardson.	Walters.
Rogers.	Warwick.
Sanders.	Webb.
Savage.	White.
Shelton.	Wiggs.
Sherrill.	Williams
Shipman.	of Sabine.
Simmons.	Woodall.
Sinks.	Woodruff.
Snelgrove.	Young.

Nays—1.

Graves of Erath.

Present—Not Voting.

Tarwater.

Absent.

Anderson.	Metcalf.
Chastain.	Pope of Jones.
Coltrin.	Quinn.
Cox of Navarro.	Ray.
Dunlap.	Renfro.
Duvall.	Rountree.
Eickenroht.	Shaver.
Gates.	Smith.
Gilbert.	Thompson.
Harman.	Tillotson.
Kayton.	Veatch.
Keeton.	Westbrook.
Lee.	Williams
McKean.	of Travis.

Absent—Excused.

Acker.	Nicholson.
Bond.	O'Neill.
Fuchs.	Petsch.
Jones.	Stevenson.
Kemble.	Turner.
Loy.	Williams
Minor.	of Hardin.
Murphy.	

RELATING TO CONTEST OF MONTGOMERY VS. SMITH.

Mr. Woodruff sent up to the Speaker's stand and asked to have read a communication relating to the Montgomery-Smith contest.

Mr. Pope of Nueces raised a point of order on further consideration of the communication on the ground that it is not a privileged matter.

The Speaker declined to rule on the point of order, stating that he would submit the question as to whether the

matter is privileged to the House for its decision.

The House declared the matter privileged by the following vote:

Yeas—88.

Acker.	King.
Ackerman.	Kinnear.
Adkins.	Lee.
Albritton.	Lemens.
Avis.	Long of Houston.
Baker.	Martin.
Baldwin.	Mauritz.
Barnett.	McDonald.
Bateman.	McGill.
Bounds.	Mehl.
Bradley.	Mosely.
Brice.	Olsen.
Brooks.	Palmer.
Carpenter.	Pavlica.
Coltrin.	Pope of Jones.
Conway.	Purl.
Cox of Lamar.	Ray.
Cox of Limestone.	Reader.
DeWolfe.	Reid.
Enderby.	Renfro.
Ewing.	Richardson.
Eickenroht.	Sanders.
Finlay.	Savage.
Gerron.	Shaver.
Giles.	Shelton.
Graves	Sherrill.
of Williamson.	Shipman.
Graves of Erath.	Smith.
Harding.	Snelgrove.
Harper.	Speck.
Harrison.	Stephens.
Heaton.	Storey.
Hefley.	Strong.
Hines.	Tarwater.
Hogg.	Tillotson.
Holder.	Waddell.
Hopkins.	Wallace.
Hubbard.	Webb.
Jenkins.	Westbrook.
Johnson of Smith.	White.
Johnson of Scurry.	Wiggs.
Justiss.	Williams
Keeton.	of Sabine.
Kennedy.	Woodall.
Kincaid.	Woodruff.

Nays—25.

Beck.	Moore.
Finn.	Morse.
Forbes.	Mullally.
Hardy.	Patterson.
Johnson	Pool.
of Dimmit.	Pope of Nueces.
Keller.	Rountree.
Kenyon.	Simmons.
Land.	Thurmond.
Long of Wichita.	Van Zandt.
Mankin.	Walters.
McCombs.	Warwick.
McKean.	Young.

Present—Not Voting.

Montgomery.

Absent.

Anderson.	Metcalfe.
Chastain.	Negley.
Cox of Navarro.	Prendergast.
Davis.	Quinn.
Dunlap.	Rogers.
Duvall.	Sinks.
Gates.	Thompson.
Gilbert.	Veatch.
Harman.	Williams
Kayton.	of Travis.
Maynard.	

Absent—Excused.

Bond.	Nicholson.
Fuchs.	O'Neill.
Hornaday.	Petsch.
Jones.	Stevenson.
Kemble.	Turner.
Loy.	Williams
Minor.	of Hardin.
Murphy.	

Reason for Vote.

I vote "nay" on taking up the Hidalgo county matter now, as I think the time to consider such matter is under the time for miscellaneous matters early after meeting each morning, instead of displacing the day's calendar.

YOUNG.

The Speaker then laid before the House and had read the following communication:

Hon. W. S. Barron, Speaker of the House of Representatives of the State of Texas.

Dear Sir: Mr. E. M. Smith and four hundred and fifty others of your fellow-citizens of Hidalgo county are now at the outer door of the House of Representatives.

These citizens have a grievance against the action of the House of Representatives in summarily dismissing Mr. Smith's contest against the Hon. W. R. Montgomery without notice at any time to Mr. Smith.

I have prepared and herewith present with this request a petition for Mr. Smith setting out in detail violation by the House of Representatives of his constitutional and legal rights. This petition is attached to this request.

In addition to that petition, there is attached to this request another petition addressed to you and the House of Representatives, signed by 5474 legally qualified white American voters of Hidalgo county, protesting the action of

the House in the Smith vs. Montgomery contest and demanding Mr. Smith's constitutional rights for rehearing and retrial of this contest. This petition is also attached to this request. In addition to the foregoing petition, there is attached to the request another petition, signed by 5310 legally qualified white American voters of Hidalgo county, addressed to the Hon. W. R. Montgomery, demanding his resignation as a member of the House.

We humbly, respectfully and prayerfully request that these petitions be presented and read to the House of Representatives at this time.

We also beg and crave of you and the House of Representatives the constitutional rights of Mr. Smith to present his petitions to you and the House of Representatives in person and by counsel; and we, therefore, further request that these 450 citizens of Hidalgo county be at once admitted to the floor of the House of Representatives for the purpose of securing Mr. Smith's constitutional rights.

These people are law-abiding, home-loving, God-fearing, sober, peaceable citizens and they crave this constitutional right at your hands.

Yours very respectfully,
GORDON GRIFFIN.

Mr. Woodruff moved that the petition relating to the matter be read in full.

The motion prevailed by the following vote:

Yeas—96.

Acker.	Gerron.
Ackerman.	Gilbert.
Adkins.	Giles.
Albritton.	Graves
Avis.	of Williamson.
Baker.	Graves of Erath.
Baldwin.	Harding.
Barnett.	Harper.
Bateman.	Harrison.
Bounds.	Heaton.
Brice.	Hefley.
Brooks.	Hines.
Carpenter.	Holder.
Coltrin.	Hopkins.
Conway.	Hubbard.
Cox of Lamar.	Jenkins.
Cox of Limestone.	Johnson of Smith.
Davis.	Johnson of Scurry.
DeWolfe.	Justiss.
Duvall.	Keeton.
Enderby.	Kennedy.
Ewing.	Kincaid.
Eickenroht.	Kinnear.
Finlay.	Lee.

Lemens.	Shaver.
Long of Houston.	Shelton.
Mauritz.	Shipman.
McCombs.	Simmons.
McDonald.	Sinks.
McGill.	Smith.
Mehl.	Snelgrove.
Mosely.	Speck.
Murphy.	Stephens.
Negley.	Storey.
Olsen.	Strong.
Palmer.	Tarwater.
Pavlica.	Tillotson.
Pope of Jones.	Van Zandt.
Pope of Nueces.	Veatch.
Prendergast.	Waddell.
Purl.	Wallace.
Quinn.	Webb.
Ray.	Westbrook.
Reader.	White.
Reid.	Wiggs.
Renfro.	Williams
Richardson.	of Travis.
Rogers.	Woodall.
Sanders.	Woodruff.
Savage.	

Nays—25.

Beck.	Martin.
Chastain.	Moore.
Finn.	Morse.
Cox of Navarro.	Mullally.
Forbes.	Patterson.
Hardy.	Pool.
Hogg.	Rountree.
Johnson	Thurmond.
of Dimmit.	Walters.
Keller.	Warwick.
Kenyon.	Williams
Land.	of Sabine.
Long of Wichita.	Young.
Mankin.	

Present—Not Voting.

Bradley.	Sherrill.
----------	-----------

Absent.

Anderson.	King.
Dunlap.	Maynard.
Gates.	McKean.
Harman.	Metcalfe.
Hornaday.	Montgomery.
Kayton.	Thompson.

Absent—Excused.

Bond.	O'Neill.
Fuchs.	Petsch.
Jones.	Stevenson.
Kemble.	Turner.
Loy.	Williams
Minor.	of Hardin.
Nicholson.	

Mr. McGill moved a call of the House for the purpose of maintaining a quo-

rum until the petition is read, and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The call of the House was ordered by the following vote:

Yeas—102.

Acker.	Lemens.
Ackerman.	Long of Houston.
Adkins.	Mauritz.
Albritton.	Maynard.
Avis.	McCombs.
Baker.	McDonald.
Barnett.	McGill.
Beck.	Mehl.
Bounds.	Mosely.
Brice.	Murphy.
Brooks.	Negley.
Carpenter.	Palmer.
Chastain.	Patterson.
Coltrin.	Pavlica.
Conway.	Pool.
Cox of Navarro.	Pope of Jones.
Cox of Lamar.	Pope of Nueces.
Cox of Limestone.	Prendergast.
Davis.	Purl.
DeWolfe.	Quinn.
Dunlap.	Reid.
Duvall.	Renfro.
Enderby.	Richardson.
Ewing.	Sanders.
Eickenroht.	Savage.
Finn.	Shaver.
Forbes.	Shelton.
Gerron.	Sherrill.
Gilbert.	Shipman.
Giles.	Simmons.
Graves	Sinks.
of Williamson.	Smith.
Graves of Erath.	Snelgrove.
Hardy.	Speck.
Harding.	Stephens.
Harper.	Storey.
Harrison.	Tarwater.
Heaton.	Tillotson.
Holder.	Van Zandt.
Hopkins.	Veatch.
Johnson	Waddell.
of Dimmit.	Wallace.
Johnson of Smith.	Walters.
Johnson of Scurry.	Westbrook.
Justiss.	White.
Kayton.	Wiggs.
Keeton.	Williams
Keller.	of Sabine.
Kennedy.	Williams
Kincaid.	of Travis.
Kinnear.	Woodall.
Land.	Woodruff.
Lee.	Young.

Nays—20.

Bradley.	Hefley.
Finlay.	Hogg.

Jenkins.	Ray.
Kenyon.	Reader.
Mankin.	Rogers.
Martin.	Rountree.
McKean.	Strong.
Morse.	Thurmond.
Mullally.	Warwick.
Olsen.	Webb.

Absent.

Anderson.	Hubbard.
Baldwin.	King.
Bateman.	Long of Wichita.
Gates.	Metcalfe.
Harman.	Montgomery.
Hines.	Moore.
Hornaday.	Thompson.

Absent—Excused.

Bond.	O'Neill.
Fuchs.	Petsch.
Jones.	Stevenson.
Kemble.	Turner.
Loy.	Williams
Minor.	of Hardin.
Nicholson.	

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. McCombs, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll was called and a quorum was announced present.

The petition was then read in full, as follows:

To the Honorable Speaker and House of Representatives of Texas:

Section 27 of Article 1 of the Constitution of Texas reads as follows:

"The citizens shall have the right, in a peaceable manner, to assemble together for their common good; and apply to those invested with the power of government for redress of grievances or other purposes, by petition, address or remonstrance."

Your petitioner, a native and life-long citizen of this State, has a grievance against the action of your honorable body in summarily dismissing his contest against the Hon. W. R. Montgomery for Representative in the Legislature from the Seventy-third District of Texas, and he now invokes the protection and constitutional guarantee of

the article and section above quoted and presents this his petition and grounds for grievances.

In dealing with criminal prosecutions, Section 10 of Article 1 of the Constitution, among other things, provides: "The accused shall have a speedy public trial by an impartial jury," "and shall have the right of being heard by himself or counsel, or both, shall be confronted with the witness against him and shall have compulsory process for obtaining witness in his favor," etc.

Your petitioner states that if a citizen of Texas, when before the bar of justice, is entitled to the privileges and guarantees mentioned and quoted in the foregoing section and article of our Constitution, certainly your petitioner is entitled to equal constitutional protection by this honorable body, and this body cannot, legally, deny him such rights, and he humbly and respectfully begs at the hands of this House of Representatives his constitutional privilege of being heard in this proceeding in person and by counsel.

Your petitioner heretofore, within the time and manner required by law, filed in this Honorable House of Representatives his contest against the Hon. W. R. Montgomery for the office of Representative in this House from the Seventy-third District of Texas, setting out in detail the grounds for such contest.

Soon after the House was organized, and within the time and in the manner required by law, petitioner's "statement of contest and the other papers pertaining thereto" were referred to the honorable Committee on Privileges and Elections of the House. Said committee appointed a sub-committee of seven from its membership to go to Hidalgo county, where this contest arose, to take testimony of witnesses, for contestant and contestee. However, before the sub-committee would go to Hidalgo county they sought and received an opinion from the Attorney General with reference to their authority to go to Hidalgo county and take testimony in this case. The Attorney General held, in substance, that neither the sub-committee nor the full committee could legally leave Austin to take testimony. The Attorney General's opinion is printed in full on pages 415 to 417, both inclusive, in House Journal under date February 2, 1929, to which reference is here made.

Thereafter, on Saturday, February 2, 1929, the honorable Committee on Privileges and Elections, in the manner required by law, fixed a time for hearing

of said contest, gave notice thereof to contestant and contestee, said hearing being set for Wednesday, February 6, 1929, at 2 o'clock p. m. The chairman of said committee, in the manner provided by law, issued a subpoena duces tecum directed to the county clerk of Hidalgo county, commanding him to produce the ballot boxes and other papers in connection with this contest before said committee at said time fixed for said hearing. Said subpoena was duly and legally served upon said county clerk by the Sergeant-at-Arms of this House on February 3, 1929.

Thereafter, on February 4th, before the time fixed for said hearing, without said committee investigating the issues between contestant and contestee, as required by law, and without said committee hearing all or any part of the legal evidence which the parties would present to said committee, as required by law, and without said committee reporting to the House their conclusions of law and fact in respect to said case, accompanied by all the papers in the cause and the evidence taken therein, with such recommendation as may to them seem proper, as required by Article 3063, Revised Civil Statutes of 1925, the Hon. Mr. Sinks, chairman of said Committee on Privileges and Elections, made a request of this House for "instructions as to the amount, if any, you will pay to secure attendance of the witnesses in the Smith-Montgomery election contest." See House Journal, page 443, February 4, 1929.

Thereupon the Hon. Mr. Beck from Tarrant county made the following motion:

"I move that the Committee on Privileges, Suffrage and Elections be instructed to dismiss all proceedings in the contest of Smith vs. Montgomery, now pending, and declare Montgomery elected upon the returns from Hidalgo county."

After some discussion, motions and votes thereon, and usual formalities of the House, Mr. Beck's motion was finally submitted and carried by a vote of 91 for to 21 against. See House Journal of February 4th, pages 443 to 446, both inclusive.

Your petitioner submits that the motion by Mr. Beck and the vote of the House thereon was not only made and voted in haste, without due consideration and without regard to petitioner's constitutional rights, and the danger of such a precedent, but was entirely out of order, clearly violative of Section 10, Article 1; Section 19, Article 1; Sec-

tion 28, Article 1; Section 8, Article 3, of the State Constitution, and of Articles 3063, 3064 and 3065 of the 1925 Revised Civil Statutes of Texas, and squarely in the face of the Attorney General's opinion above referred to.

The motion and the vote of the House on it violates Section 10 of Article 1 of the Constitution in the following particulars, to-wit:

(a) It deprives contestant of a speedy and impartial trial.

(b) It deprives contestant of the right of being heard by himself or counsel.

It violates Section 19 of Article 1 of the Constitution in the following particulars:

(a) It deprives contestant of his property to the value of \$300, being \$5 per day for sixty days, the life of the regular session of the House, and such additional amount as he might be entitled to by reason of any special session or sessions which may be held during the next two years.

(b) It deprives contestant of the privilege of holding a public office to which he was legally elected.

(c) It deprives contestant and more than 5000 of his fellow-citizens who voted for him in the November 6, 1928, election of his and their rights of franchise.

It violates Section 28 of Article 1, reading as follows:

"No power of suspending laws in this State shall be exercised except by the Legislature."

The Legislature cannot suspend a law simply by violating it, as was done when the motion by Mr. Beck was made and carried. The only way the Legislature can suspend the law is to repeal it.

Articles 3059 to 3065, both inclusive, Revised Civil Statutes of 1925, created and set in motion the only law providing for a contest of a seat in the House of Representatives. These statutes must be (as the Attorney General says in his opinion) "strictly followed." After this contest was referred to the Committee on Privileges and Elections, the House was and is absolutely without right or power to summarily dismiss it or to order the committee to do so. The whole matter is in the hands of the committee until the committee completes its work and makes its report and recommendations to the House, as provided in the articles above mentioned. Therefore, the action of the House in passing Mr. Beck's motion was without right or jurisdiction in law.

If it has any effect, it is to suspend the law of contests in the House of Representatives, not by repealing the law itself, but in violation of the law and said section of the Constitution.

Article 3, Section 8, of the Constitution, reads:

"Each House shall be the judge of the qualifications and election of its own members, but contested elections shall be determined in such manner as shall be required by law."

Articles 3059 to 3065, Revised Civil Statutes of 1925, are the laws enacted by the Legislature for contests in the Legislature, provided for in the foregoing section of the Constitution. Since the Constitution provides for the passing of these statutes, the Attorney General has correctly held that they must be strictly followed, and the House has summarily dismissed petitioner's contest without following them strictly. The House has violated this section of the Constitution.

Article 3059 of the Revised Civil Statutes of 1925, provided how the contestant shall file his contest.

Article 3063 of the same statute reads as follows:

"The notice and statement of contest and the other papers pertaining thereto shall, immediately after the organization of the Legislature, be opened by the President of the Senate or by the Speaker of the House of Representatives, as the case may be; and the same shall be referred to the Committee on Privileges and Elections of the house in which the contest is pending, which committee shall proceed without delay to fix a time for the hearing of said case and, after due notice to the parties thereto, shall investigate the issues between said parties, hearing all the legal evidence that may be presented to said committee, and shall as soon thereafter as practicable report their conclusions of law and fact in respect to said case to the house by which said committee was appointed, accompanied by all the papers in the cause, and the evidence taken therein, with such recommendations as may to them seem proper. Any one or more of the committee dissenting from the views of the majority may present a minority report."

Article 3064 of the same statute reads in part as follows:

"Said committee shall have the power to send for persons and papers, and the chairman of said committee shall have the power to issue all process necessary to secure the attendance of witnesses

and the production of papers, ballot boxes and other documents before said committee, and such process shall be executed by the Sergeant-at-Arms of the house in which the contest is pending or by such other person as the presiding officer of said house may designate."

Article 3065 reads in part as follows:

"The house in which the contest is pending shall, as soon as practicable after the report of the committee has been received, fix a day for the trial of the contest and shall proceed to determine whether the contestant or contestee, or either of them, is entitled to the contested seat," etc.

The Committee on Privileges and Elections, to whom this case was referred, had set the case down for hearing at 2 o'clock p. m., Wednesday, February 6, 1929; had issued subpoena duces tecum to the county clerk of Hidalgo county, which had been served, and had notified contestant and contestee of the time for the hearing. However, the committee had not investigated the issues between the parties; had not heard all or any part of the legal evidence that the parties might present, and had filed no report of their conclusion of law and fact in respect to the case in the House, accompanied by all of the papers in the cause, and the evidence taken therein, with such recommendations as to the committee may seem proper. Therefore, Article 3063 of the statutes was not strictly followed, as required by law, and Mr. Beck's motion was out of order and the House had no authority to dismiss the contest or declare Montgomery elected, or to order the committee to do so.

It was as unlawful for the House of Representatives to pass this motion and attempt to dismiss petitioner's contest while it was still in the hands of the committee and the committee's work not completed as it would be for a judge in the trial of a jury case to summarily order the jury to turn all the papers and evidence over to the court, discharge the jury and determine the law suit himself.

In support of petitioner's contention that the House is without authority to dismiss this contest or to order the committee to do so, attention is directed to that part of the Attorney General's opinion heretofore referred to, which reads as follows:

"It is a general rule that the States, in creating offices, have the right to provide such agencies and mode of procedure as they deem fit to determine

the result of the election to such offices without the intervention or interference of the courts. So that a constitutional provision that each house of the Legislature shall be the judge of the election returns and qualifications of its own members is an exclusive grant of power and constitutes each house the sole and ultimate tribunal to pass upon the election and qualifications of its own members. Under the general control which the Legislature has over the procedure incident to ascertaining the result of elections, it is competent for that branch of the government to provide by statute for special means of determining contests, and it is acting within its constitutional rights where it creates a special tribunal for the settlement of such disputes. The power to determine the qualifications and elections of its own members, coupled with the further power in the same section of the Constitution that contests shall be determined in such manner as may be provided by law, brings into force when a law has been passed governing such contests the further rule of law that the statutory method must be pursued strictly and that the contest can be determined in no other way."

The Attorney General, after quoting from Articles 3063 and 3064 of the Revised Statutes, commenting upon them in his opinion, says: "It is the evident purpose of this statute and clearly expressed therein that the hearing of this contest must be before the Committee on Privileges and Elections."

The Attorney General further says, in commenting upon the authorities by him cited in his said opinion:

"The committee involved in the decision to which I have referred was one appointed under a resolution of the House, but the rule announced would be applied with stronger force to a regular committee of the House which has imposed upon it particular and specific functions, and especially should it apply to the Committee on Privileges and Elections, which is, in a measure, the court instituted by the law under the authority of the Constitution for passing upon the right of a citizen to be a member of the house of which the committee is a part.

"Regardless of what other matters may be submitted to the Committee on Privileges and Elections, it, under the statute, has imposed upon it a specific obligation in the matter of passing upon the election and qualifications of the members of the House.

"Election contests were unknown to the common law and are of purely statutory origin and regulation. Being special statutory proceedings, a strict compliance with the law authorizing them is necessary, because they are governed in all particulars by the statutes applicable thereto. They are not civil suits and each and every provision of the statute as to the mode and manner of the contest and the grounds upon which it may be maintained must be complied with, and all proceedings must be according to the statutory provisions authorizing them.

"Applying the principles above announced to the inquiry submitted, you are advised that the law having fixed the tribunal which should try election contests for seats in the House of Representatives and prescribed the place at which, and the mode and manner in which such trials should be conducted, and having conferred this jurisdiction upon a Committee on Privileges and Elections, and upon it only, this committee has no authority to delegate to a sub-committee its jurisdiction or power, or any part thereof; nor would the House of Representatives have the authority to change in any manner the tribunal before which the contest should be tried, nor the method and manner in which the trial should be conducted. The jurisdiction and the power is given to the committee, and to it only."

Therefore, your petitioner submits that the action of the House, in passing Mr. Beck's motion, in attempting to dismiss your petitioner's contest, and in attempting to declare Mr. Montgomery elected, is in open, notorious violation of each and all of the sections of the Constitution herein mentioned and especially of Articles 3063, 3064 and 3065 of the Revised Civil Statutes, providing the method of hearing contests for a seat in the House of Representatives.

Once the contest is referred to the Committee on Privileges and Elections, the House is powerless to make any disposition of the case until that committee has investigated the issues between the parties, heard all the legal evidence which might be presented to the committee, and reported its conclusions of law and fact with respect to the case to the House of Representatives, accompanied by all the papers in the cause and the evidence taken therein, with such recommendations as to the committee may seem proper. That done, it then becomes the duty of the House, as soon as practicable after the

report of the committee has been received, to fix a day for the trial of the contest, and the House shall proceed to determine whether the contestant or contestee, or either of them, is entitled to the seat.

Your petitioner states that he is not familiar with the rules of procedure of your honorable body, but at least one deeply prejudicial member of this House has publicly stated that "we (meaning Mr. Montgomery and such partisan supporters as he has in the House) have this thing (meaning this contest) fixed so that it cannot be brought up again before the House."

Whatever your rules of procedure may be, they can avail nothing if contrary to law, and each and every act of the House in dismissing petitioner's contest is in violation of law and void, and the committee still has control over and the right to proceed with the contest.

Your petitioner stands ready to furnish transportation to Austin and return, without cost to the State, of all witnesses summoned in his behalf.

Your petitioner desires only a fair hearing of the testimony and trial of the cause, so that it may be determined who received the largest number of legal votes. Mr. Montgomery should not object to such a hearing; your petitioner craves it.

Therefore, your petitioner prays that the House of Representatives expunge its records of the illegal actions heretofore taken on the Beck motion and that the committee proceeds with the hearing in order that justice may be done.

Respectfully submitted,

E. M. SMITH.

By
His Attorney.

Mr. Barnett offered the following motion:

"I move that the rule of the House be suspended and that this matter be referred to the Committee on Privileges and Elections, and that said committee be instructed to proceed to hear the merits of the contest."

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—64.

Ackerman.
Adkins.
Albritton.
Avis.

Baker.
Barnett.
Bounds.
Bateman.

Mosely.	McGill.
Olsen.	Palmer.
Brice.	Pavlica.
Carpenter.	Pope of Jones.
Coltrin.	Prendergast.
Conway.	Quinn.
Cox of Lamar.	Ray.
Cox of Limestone.	Reid.
Davis.	Renfro.
DeWolfe.	Richardson.
Enderby.	Rogers.
Ewing.	Sanders.
Eickenroht.	Savage.
Finlay.	Shelton.
Gerron.	Sherrill.
Graves.	Shipman.
of Williamson.	Simmons.
Graves of Erath.	Smith.
Harding.	Snelgrove.
Harrison.	Stephens.
Heaton.	Storey.
Holder.	Veatch.
Jenkins.	Waddell.
Keeton.	Wallace.
Kennedy.	White.
King.	Wiggs.
Lee.	Woodall.
Long of Houston.	Woodruff.
Mauritz.	

Nays—60.

Anderson.	Mankin.
Baldwin.	Martin.
Beck.	McCombs.
Bradley.	McDonald.
Chastain.	McKean.
Cox of Navarro.	Mehl.
Dunlap.	Moore.
Duvall.	Morse.
Finn.	Mullally.
Forbes.	Negley.
Gates.	Patterson.
Gilbert.	Pool.
Hardy.	Pope of Nueces.
Harper.	Purl.
Hefley.	Reader.
Hines.	Rountree.
Hogg.	Shaver.
Hopkins.	Strong.
Hubbard.	Thompson.
Johnson.	Thurmond.
of Dimmit.	Tillotson.
Johnson of Smith.	Van Zandt.
Johnson of Scurry.	Walters.
Justiss.	Warwick.
Kayton.	Webb.
Keller.	Westbrook.
Kenyon.	Williams.
Kincaid.	of Sabine.
Kinnear.	Williams.
Land.	of Travis.
Lemens.	Young.
Long of Wichita.	

Present—Not Voting.

Montgomery.	Tarwater.
Sinks.	

Absent.

Brooks.	Metcalf.
Giles.	Murphy.
Harman.	Speck.
Maynard.	

Absent—Excused.

Acker.	Nicholson.
Bond.	O'Neill.
Fuchs.	Petsch.
Hornaday.	Stevenson.
Jones.	Turner.
Kemble.	Williams.
Loy.	of Hardin.
Minor.	

Mr. Barnett moved that the petition be referred to the Committee on Privileges, Suffrage and Elections.

Mr. Keller raised the following point of order:

Mr. Speaker: I make the point of order that the petition deals with matters which were heretofore considered by the House, and that a motion was made to reconsider the action of the House in that matter and the motion to reconsider was then tabled.

(Pending consideration of the point of order, Mr. McGill occupied the chair temporarily.)

Mr. Young moved the previous question on the point of order, and the main question was ordered.

The Speaker declined to rule on the point of order, stating that he would submit the matter to the House for its decision.

The House sustained the point of order by the following vote:

Yeas—74.

Anderson.	Hogg.
Baldwin.	Hopkins.
Beck.	Hubbard.
Bradley.	Johnson.
Carpenter.	of Dimmit.
Chastain.	Johnson of Smith.
Cox of Navarro.	Johnson of Scurry.
Cox of Limestone.	Justiss.
Dunlap.	Kayton.
Enderby.	Keller.
Ewing.	Kenyon.
Finn.	Kinnear.
Forbes.	Land.
Gates.	Lemens.
Gilbert.	Long of Wichita.
Graves of Erath.	Mankin.
Hardy.	Martin.
Harding.	Maynard.
Harper.	McCombs.
Hefley.	McDonald.
Hines.	McGill.

McKean.	Speck.
Mehl.	Strong.
Moore.	Storey.
Morse.	Tarwater.
Mullally.	Thompson.
Negley.	Thurmond.
Olsen.	Tillotson.
Patterson.	Van Zandt.
Petsch.	Walters.
Pool.	Warwick.
Pope of Nueces.	Webb.
Purl.	Westbrook.
Quinn.	Williams
Reader.	of Sabine.
Rountree.	Williams
Shaver.	of Travis.
Sherrill.	Young.

Nays—55.

Ackerman.	Lee.
Adkins.	Long of Houston.
Albritton.	Mauritz.
Avis.	Minor.
Baker.	Mosely.
Barnett.	Murphy.
Bateman.	Palmer.
Bond.	Pavlica.
Bounds.	Pope of Jones.
Brice.	Prendergast.
Brooks.	Reid.
Coltrin.	Renfro.
Conway.	Richardson.
Cox of Lamar.	Rogers.
Davis.	Sanders.
DeWolfe.	Savage.
Eickenroht.	Shelton.
Finlay.	Shipman.
Gerron.	Simmons.
Giles.	Smith.
Graves	Snelgrove.
of Williamson.	Stephens.
Harrison.	Stevenson.
Heaton.	Veatch.
Holder.	Waddell.
Jenkins.	White.
Keeton.	Wiggs.
Kennedy.	Woodall.
Kincaid.	Woodruff.
King.	

Present—Not Voting.

Montgomery. Sinks.

Absent.

Duvall.	Metcalfe.
Harman.	Ray.
Hornaday.	Wallace.
Loy.	

Absent—Excused.

Acker.	O'Neill.
Fuchs.	Turner.
Jones.	Williams
Kemble.	of Hardin.
Nicholson.	

Reasons for Vote.

I vote "no" on the point of order because I believe no question is ever settled until it is settled right or in a legal manner. It is my firm conviction that when the House voted on February 4th, 1929, to instruct the Committee on Privileges, Suffrage and Elections to dismiss all proceedings in the contest of Smith vs. Montgomery, such action was illegal and without authority to support it, either in the Constitution or in the statutes relating to contested elections. Furthermore, I consider it directly contrary to the advice of the Attorney General contained in a letter appearing on pages 415-417 of the Journal. I am not willing, as a lawyer, to leave a record behind me which cannot be sustained by legal reasoning, legal argument, or legal conclusions. The action of the House on February 4th in this matter sets a precedent which cannot be justified. If the motion made had been to summarily unseat a member of the Senate, it would not have been more illegal than the one which was made. To contend that the House cannot rectify its illegal acts is to assume an untenable position. I voted then to sustain the point of order made by Mr. Bond that the House could not dismiss the contest, and I now vote to correct what I conceive to be a serious mistake on the part of the House.

STEVENSON.

(Additional reason on page 649.)

Mr. Johnson of Dimmit moved to reconsider the vote by which the point of order was sustained, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 13, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 153, A bill to be entitled "An Act authorizing the creation of corporations for the purpose of compiling and of acquiring and owning abstract plants in this or any other State, and to compile and sell abstracts of titles therefrom, and to insure the title to lands and interest therein and liens thereon, and authorizing such corporations to accumulate and lend money, to deal in securities, and to act as trustee, receiver, executor, administrator and guardian."

H. B. No. 276. A bill to be entitled "An Act to provide for the payment of actual and necessary expenses of official and deputy official shorthand reporters while actually engaged in the discharge of their duties; providing for the manner of payment of such expenses by the several counties of the judicial districts, and declaring an emergency."

S. B. No. 412. A bill to be entitled "An Act amending House bill No. 86, passed by the House February 18, creating the Sayers independent school district; describing the boundaries thereof; providing a board of trustees for its government; specifically granting supervising exemptions to it; investing it with power to make oil leases; applying general laws to it; retaining its assets and liabilities and tax rate; and carrying the emergency clause."

H. B. No. 195. A bill to be entitled "An Act providing that all sales of real estate for the collection of delinquent taxes due thereon shall be made only after foreclosure of tax lien securing same in accordance with existing laws governing delinquent tax foreclosure suits."

S. B. No. 314. A bill to be entitled "An Act to provide for the location, establishment and maintenance of an institution for the treatment of persons suffering from cancer or pellagra, and to provide for the care and treatment of indigent persons suffering from cancer or pellagra; and defining the conditions of admission thereto; and provide for the scientific study of cancer and pellagra; and creating a commission to establish and control said institution, and defining the duties of certain officers in respect to said institution; and make appropriation therefor; and declaring an emergency."

The Senate has adopted the free conference committee report on Senate bill No. 150 by a vote of 26 yeas and 2 nays.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

RELATING TO HOUSE BILL NO. 54.

Mr. Holder moved to reconsider the vote by which House bill No. 54 failed to pass and asked to have the motion to reconsider spread on the Journal, and gave notice that he would on tomorrow call up the motion to reconsider.

ADJOURNMENT.

On motion of Mr. Van Zandt, the House, at 6:20 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

State Affairs: Senate bills Nos. 231, 406, 95, 630 and 631; House bills Nos. 277, 564 and 219.

Common Carriers: Senate bill No. 305; House bills Nos. 606 and 634.

Constitutional Amendments: House joint resolution No. 17.

Highways and Motor Traffic: House bills Nos. 635, 110, 632, 624 and 633; Senate bill No. 361.

Insurance: Senate bills Nos. 294, 89, 298 and 386; House bill No. 656.

Education: Senate bill No. 268; House bill No. 639.

Game and Fisheries: House bills Nos. 390, 554, 629 and 477; Senate bill No. 388.

Oil, Gas and Mining: House bill No. 388.

Appropriations: Senate bills Nos. 351, 226 and 73.

Judicial Districts: Senate bill No. 199.

Counties: Senate bills Nos. 370, 201 and 200; House bills Nos. 609 and 509.

The following committees have today filed adverse reports on bills, as follows:

Judicial Districts: House bill No. 605.

Counties: House bill No. 405.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 12, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 222, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 23 of the General Laws of the Regular Session of the Fortieth Legislature of Texas, passed and approved on February 12, 1927, relating to the appointment of assistant district attorneys in judicial districts consisting of more than one county, in which there is situated a city of 28,000 population or over, according to the last preceding United States census or any United States census which may hereafter be taken, so as to pro-

vide for the appointment of assistant district attorneys in such judicial districts in which there is situated a city of 22,500 population or over, according to the last preceding United States census or any United States census which may hereafter be taken, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 12, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 132, A bill to be entitled "An Act to amend Article 2529 of Chapter 1, Title 47, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 57 of the Acts of the First Called Session of the Fortieth Legislature, relating to the collateral security to be pledged by depositories for securing State funds by depositing a depository bond with the State Treasurer or by pledging with the State Treasurer bonds and certificates of indebtedness of the United States, obligations and pledges of the University of Texas, etc., and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 12, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 514, A bill to be entitled "An Act to amend Chapter 28 of the Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session in 1913, same being a special road law for Childress county, by adding thereto Section 2a, authorizing the commissioners court of Childress county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such in-

debtedness shall be conclusively presumed to be valid; and by adding thereto Section 2b, making it unlawful for the commissioners court of Childress county to issue any warrant, scrip or other evidence of indebtedness or to create any debt against the road and bridge fund of said county, except as authorized by this act, in excess of the current revenues of said county for road and bridge purposes, except in cases of public calamity, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 12, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 421, A bill to be entitled "An Act providing a ten-year period of limitation for the bringing of suit to recover land based upon certain defects in any instrument, where such instrument which has been or hereafter may be of record for ten years or more, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 12, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 506, A bill to be entitled "An Act to amend Chapter 74 of the Local and Special Laws enacted by the Thirty-ninth Legislature at its Regular Session, approved March 7, 1925, same being a special road law for Denton county, by adding thereto Section 19a, authorizing the commissioners court of Denton county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceedings within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and by adding thereto Section 19b, requiring the commissioners court to make

and adopt each year a budget of expenditures based upon the tax levy and to keep such expenditures within said budget; said budget shall not exceed the available funds of the county, providing, however, that in cases of emergency, when storm, overflow or public calamity has occurred, the said court shall depart from said budget as the circumstances may require as herein provided; and by adding thereto Section 19c, making it unlawful for the commissioners court of Denton county to issue any warrant, scrip or other evidence of indebtedness or to create any debt against the road and bridge fund of said county, except as authorized by this act, in excess of the current revenues of said county for road and bridge purposes, except in cases of public calamity, and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 12, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 443, A bill to be entitled "An Act to amend Chapter 86 of the Local and Special Laws enacted by the Thirty-fifth Legislature at its Regular Session in 1917, same being a special road law for Morris county, by adding thereto Section 27a, authorizing the commissioners court of Morris county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and by adding thereto Section 27b, making it unlawful for the commissioners court of Morris county to issue any warrant, scrip or other evidence of indebtedness, or to create any debt against the road and bridge fund of said county, except as authorized by this act, in excess of the current revenues of said county for road and bridge purposes, except in cases of public calamity, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 12, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 404, A bill to be entitled "An Act to amend the special road law of Panola county, passed by the Twenty-eighth Legislature at its Regular Session, being designated Chapter 24 of the Local and Special Laws, as amended by Chapter 18, passed during the Regular Session of the Thirty-third Legislature, by adding thereto a new section to be designated Section 23, to permit the issuance of bonds by said county for the purpose of funding or refunding the indebtedness incurred for road and bridge purposes prior to January 1st, 1929, and providing for the levying and collecting of a tax in payment thereof; and by adding thereto Section 23a, making it unlawful for the commissioners court of Panola county to issue any warrant, scrip or other evidence of indebtedness or to create any debt against the road and bridge fund of said county, except as authorized by this act, in excess of the current revenues of said county for road and bridge purposes, except in cases of public calamity, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 12, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 340, A bill to be entitled "An Act creating a more efficient road system for Hemphill county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners court shall co-operate with the State Highway Department in the establishment, construction and main-

tenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners court of Hemphill county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and by adding thereto Section 4a, making it unlawful for the commissioners court of Hemphill county to issue any warrant, scrip or other evidence of indebtedness or to create any debt against the road and bridge fund of said county, except as authorized by this act, in excess of the current revenues of said county for road and bridge purposes, except in cases of public calamity, and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 12, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 383, A bill to be entitled "An Act creating a more efficient road system for Dickens county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and

partly by the State or Federal government; authorizing the commissioners court of Dickens county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and by adding thereto Section 4a, making it unlawful for the commissioners court of Dickens county to issue any warrant, scrip or other evidence of indebtedness or to create any debt against the road and bridge fund of said county, except as authorized by this act, in excess of the current revenues of said county for road and bridge purposes, except in cases of public calamity, and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 13, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 7, A bill to be entitled "An Act to provide authority to the State Highway Commission to select and maintain temporary detour roads through counties where construction of designated parts of the State highway system is being carried on, and setting forth the duties of the commission and of the counties therewith; and providing authority to county commissioners courts to select and maintain temporary detour roads in the county where construction of any public road is being carried on, not part of the State system of designated highways, and setting forth the duties of the commissioners court therewith."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

In Memory
of
Hon. A. W. Moursund

Mr. Kayton offered the following resolution:

Whereas, Judge A. W. Moursund, a former member of the House, elected from Gillespie county to the Eighteenth and Nineteenth Legislatures, died at his home in Fredericksburg on December 29, 1927; and

Whereas, He was the father of Judge Anton N. Moursund, a member of this House during the Twenty-sixth Legislature; and

Whereas, He was the grandfather of Travis B. Moursund, a member of this House during the Fortieth Legislature; and

Whereas, Judge Moursund faithfully served the State of Texas in many capacities, and when his life closed the State lost one of its distinguished citizens; now, therefore, be it

Resolved, by the House of Representatives of the Forty-first Legislature, That we express our sympathy, that a page of the House Journal be set aside today as a memorial to Judge Moursund, and that when the House adjourns today it do so in respect to him, and that a copy hereof be furnished to his family.

KAYTON,
ANDERSON,
READER,
NEGLEY,
MEHL,
JOHNSON of Dimmit.

The resolution was read second time and was adopted by a rising vote.

In Memory
of
Hon. T. J. Barrett

Mr. Pope of Jones offered the following resolution:

Whereas, On May 15, 1928, in the city of Anson, Jones county, Texas, the long and useful life of the Hon. T. J. Barrett, a former member of the House of Representatives, came to a quiet and peaceful end; and

Whereas, Mr. Barrett served in this House with distinction and honor during the Thirty-first, Thirty-second and Thirty-third Legislatures, during which time he faithfully represented the counties of Jones, Shackelford, Callahan, Fisher, Scurry and Taylor; and

Whereas, Mr. Barrett's services as a member of the House of Representatives were earnestly devoted to matters pertaining to education, the establishment of the West Texas Teachers' College, and in the support of prohibition; and

Whereas, West Texas has lost a useful and beloved citizen; therefore, be it

Resolved, by the House of Representatives, That we express our sympathy to the relatives of the deceased, and that a page of the House Journal be set aside today in memory of Mr. Barrett and his faithful and honorable service, and that when the House adjourns today it be in respect to him.

POPE of Jones,
REID,
JOHNSON of Scurry,
GILBERT,
SPECK.

The resolution was read second time and was adopted by a rising vote.